

OM 16-016
Effective Date: 24 Mar 2016

By Order of the Acting Assistant Director
Stewart D. Smith, DHSc/s/

TO: IHSC Public Health Service (PHS) Commissioned Corps Officers, Civilian Federal Employees and Contract Personnel

SUBJECT: Investigation of Detainee Complaints and Grievances (Medical Case Management Unit)

1. **PURPOSE:** The purpose of this Operations Memorandum (OM) is to set forth the policies and procedures for the Medical Case Management Unit (MCMU) related to the investigation of detainee complaints and grievances.
2. **APPLICABILITY:** This OM applies to all Immigration and Customs Enforcement (ICE) Health Service Corps (IHSC) federal and non-federal staff working on IHSC Medical Case Management activities.
3. **AUTHORITIES AND REFERENCES:**
 - 3-1. Title 8, Code of Federal Regulations, section 235.3 ([8 CFR 235.3](#)), Inadmissible Aliens and Expedited Removal;
 - 3-2. Section 232 of the Immigration and Nationality Act ([8 USC 1222](#)), Detention of aliens for physical and mental examination;
 - 3-3. Title 8, Code of Federal Regulations, section 232 ([8 CFR 232](#)), Detention of Aliens for Physical and Mental Examination;
 - 3-4. Section 322 of the Public Health Service Act ([42 USC 249\(a\)](#)), Medical Care and Treatment of Quarantined and Detained Persons;
 - 3-5. Title 42, U.S. Code, Public Health Service Act, Section 252 ([42 USC 252](#)); Medical Examination of Aliens.
4. **GUIDANCE:** The IHSC MCMU provides investigations into detainee complaints and grievances received from a variety of sources. This guidance is related to ICE detainees housed under an Inter-Governmental Service Agreement (IGSA) or contract, also known as a contract detention facility (CDF).

- 4-1. Complaints.** Complaints can be received from US Department of Homeland Security (DHS), Office of Civil Rights and Civil Liberties (CRCL), Joint Intake Center (JIC), Community and Detainee Helpline (CDH) and other correspondence that is directed to DHS, Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) or ICE Health Service Corps (IHSC), Headquarters (HQ).
- a. The majority of complaints are routed through IHSC Tasking Unit to the Field Medical Coordinator (FMC). If an FMC receives a complaint from any source other than IHSC Tasking Unit/IHSC Headquarters, the FMC must inform the Regional FMC (RFMC) prior to completing the investigation.
 - b. The FMC investigates the claims using various sources, including but not limited to, detainee interview, medical record, ICE EARM database and the local health authority statement.
 - c. The FMC completes a report and forwards through the appropriate chain of command.
 - d. Reports are not shared outside of IHSC unless directed by IHSC Senior Leadership.

.4-2. Grievances

- a. Medically-related detainee grievances are addressed by the local detention facility medical staff in accordance with PBNDS 2011, 6.2 Grievance System.
- b. FMCs may review the grievance and supporting documentation at the direction of their RFMC and provide a brief response to ICE ERO.

4-3. Congressional Inquiries

- a. All Congressional inquiries are managed by IHSC Headquarters.
- b. If an FMC receives Congressional inquiries from local ERO personnel, the FMC must route the inquiry through the chain of command to address. FMCs cannot provide any responses to Congressional inquiries unless directed by IHSC Headquarters.

- 5. PROCEDURES:** The procedures related to this directive are found in the Medical Case Management Unit Program Guide, Section 5: *Investigation of Detainee Complaints and Grievances*

6. **HISTORICAL NOTES:** This OM is new and does not replace a previous directive.

7. **DEFINITIONS:**

Field Medical Coordinator (FMC) – FMCs operate within the Medical Case Management Unit and are co-located with the Field Office Directors (FODs). The FMC identifies and monitors detainees with significant medical conditions, performs case monitoring on detainees who are hospitalized, and assists with alternate placement of detainees in IGSA facilities. He or she gathers information and documents for medical reviews and collaborates with appropriate health officials to ensure continuity of care upon removal for those detainees with significant health conditions. (IHSC Operational Definition)

Regional Field Medical Coordinators (RFMC) – Regional Field Medical Coordinators provide supervision over Field Medical Coordinators and all reimbursable medical, behavioral health, dental care and durable medical equipment (DME) needs for individuals in ICE custody and inter-facility admissions to Medical Housing Units (MHUs) pursuant to the IHSC National Policies and Procedures. (IHSC Operational Definition)

Senior Leadership/Senior Leaders – Senior Leadership within IHSC includes the IHSC Assistant Director, the Deputy Assistant Directors, and the Chief of Staff. (IHSC Operational Definition)

8. **APPLICABLE STANDARDS:**

8-1. Performance Based National Detention Standards (PBNDS):
PBNDS 2011: *Grievance System*

8-2. American Correctional Association (ACA):

a. Performance-Based Standards for Adult Local Detention Facilities, 4th edition
(1) 4-ALDF-6B-01, *Grievance Procedure*

b. Standards for Adult Correctional Institutions, 4th edition
(1) 4-4394, *Grievances*

8-3. National Commission on Correctional Health Care (NCCHC):
Standards for Health Services in Jails, 2014: J-A-11: *Grievance Mechanism for Health Complaints*